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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,643	07/20/2001	Andrew S. Kanter	0010-3	1842
25901	7590	10/12/2006	EXAMINER	
ERNEST D. BUFF ERNEST D. BUFF AND ASSOCIATES, LLC. 231 SOMERVILLE ROAD BEDMINSTER, NJ 07921			CARLSON, JEFFREY D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/909,643	<b>Applicant(s)</b> KANTER, ANDREW S.	
	<b>Examiner</b> Jeffrey D. Carlson	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/31/06, 9/8/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the paper(s) filed 7/31/06 and 9/8/06.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 states that the compensation means In free hardware or software, however this is misdescriptive. The “means” is the structure or programmed capability that awards the compensation – not the award itself.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-8, 10-15, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (US6687737) in view of Goldhaber et al (US5855008).**

Regarding claim 1, 8, 12, 15, Landsman et al teaches interstitial ads displayed to a user's browser from an Internet server. The ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e.

the duration of the ads) and the popup window is then removed upon completion.

Landsman et al teaches that the AdDescriptor may specify that the user is NOT permitted to prematurely terminate (close) the ad displayed [32:5-46, fig 20]. The AdDescriptor file also specifies the duration of the ads [32:15-20, 37-40]. This is taken to provide a non-dismissible ad window that is temporarily shown for a pre-determined amount of time. Landsman et al also teaches that a log is kept regarding each ad impression [31:53-58]. Landsman et al also teaches targeting ads based on stored user profiles [21:13-20] – this is taken to provide the registered user database and ad viewing history. When a user requests a subsequent webpage (via the user's ISP server(s)), the advertising display is triggered. Landsman et al does not teach compensation. Goldhaber et al teaches many embodiments whereby a registered computer user is compensated for viewing advertising [abstract]. The advertising can be targeted based on the registered user's demographics. The compensation can be routed to the user's registered account. It would have been obvious to one of ordinary skill at the time of the invention to have registered and compensated the ad-viewing users of Landsman et al's system so that users may be motivated to and may benefit from viewing online ads. Goldhaber et al teaches that the compensation may be cash or credit transferred to the user's computer or into her account [col 7 lines 51-54]. Goldhaber et al also teaches that the digital cash can have generic usefulness or can be restricted in its use to a coupon for particular product(s) [col 11 lines 25-31, col 10 lines 58-63]. It would have been obvious to one of ordinary skill at the time of the invention to have awarded the ad-viewing users with coupons for any type of product

Art Unit: 3622

including free hardware in a manner as is generally well known. Further, Goldhaber et al teaches that the rewarded compensation can be in turn used/redeemed for transactions [col 10 line 67 to col 11 line 7, col 12 lines 2-14, col 19 lines 63+]. It would have been obvious to one of ordinary skill at the time of the invention to have used the cash/credits earned through Goldhaber et al's system and simply purchased hardware – this results in what is taken to be a compensation of free hardware.

Regarding claims 3, 6, 7, 11, 20, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere including the top of the user's screen as a design choice so that the ad is quite visible. Landsman et al teaches that ads are known to include hotlinks to the advertiser and advertiser web pages [3:40-46]. It would have been obvious to one of ordinary skill at the time of the invention to have provided URLs for the ad objects so that a user may click on ads they are interested in. Official Notice is taken that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customer so that they can deliver more information about their products, services, sales promotions, etc. It would have been obvious to one of ordinary skill at the time of the invention to have provided fillable forms/windows on the advertiser's site in order to collect such information when user's request more information be sent to them. Further, it would have been obvious to one of ordinary skill at the time of the invention to have provided registration buttons and fillable forms/windows on the web site in order to collect registration information pursuant to

Goldhaber et al's compensation. Goldhaber et al further discusses collection of personal data at registration time.

Regarding claims 4, 10, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claims 5, 14, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claim 13, when a user leaves a previous web site and triggers the ads, this action is taken as closing a computer program, the program being the HTML-programmed web site content.

**4. Claims 2, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (US6687737) in view of Goldhaber et al (US5855008) and Radziewicz et al (US5854897).**

Regarding claims 2, 16, 17, Radziewicz et al also teaches interstitial ads. Radziewicz et al teaches that the user's connection speed to the Internet can be measured and the speed results can be used to select a particular format for the ads [11:7-28]. It would have been obvious to one of ordinary skill at the time of the invention to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files.

Regarding claims 18, 19, Official Notice is taken that using a wireless connection in order to access the Internet is well known. It would have been obvious to one of

ordinary skill at the time of the invention for wireless users to have participated in the combined system so that they can enjoy the Internet wirelessly.

### ***Response to Arguments***

Applicant argues that the art lacks teachings of free hardware or software. This is addressed in the rejection above.

Applicant again argues that Goldhaber et al's teaching that users *may* view ads does not provide for claim 8's "registered user" who is somehow "assured" of compensation. Perhaps this is an argument stemming from the *previous* amendment which called for users to surrender the option to decline ads upon registration. This is no longer required by the present claim language. Further, examiner is not using Goldhaber et al as a base reference, but rather Landsman et al which may be programmed to eliminate user control of the ads. Goldhaber et al is provided as a secondary teaching for compensation earned for viewing ads. Further, the users of Goldhaber et al are clearly registered users.

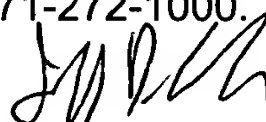
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8a-5:30p, (work from home on Thursdays).

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

jdc